1	BEFORE THE HUMAN RIGHTS COMMISSION OF THE STATE OF MONTANA
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4	Linda McCartney ,) Charging Party,) Case No. 0021009796
5	-V-
6	H&R Block, ORDER AFFIRMING DISMISSAL
7	Respondent.)
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9	The above captioned matter came before the Montana Human Rights Commission
10	(Commission) on July 18, 2002. The matter was before the Commission for consideration of
11	Charging Party's objection to the notice of dismissal and right to file civil action in district court.
12	Oral argument was requested by Charging Party. Respondent asserted that the original
13	documentation submitted in response to the Charge of Discrimination sufficiently supported their
14	position and thus declined to participate in the oral argument. Charging Party did not appear
15	before the Commission.
16	After considering the record, the Commission concludes the Bureau properly dismissed
17	the matter. The investigator determined, and the record supports, a finding that while Charging
18	Party asserted a prima facie case of discrimination in employment based on age, she did not
19	establish a prima facie case for discrimination based on disability because Respondent granted all
20	requested accommodations. Further, in terminating Charging Party, Respondent articulated a
21	legitimate, non-discriminatory reason for its actions. Charging Party failed to prove by a
22	preponderance of the evidence that Respondent's reason for the job termination was a pretext for
23	discrimination based on age or disability. The investigator did not abuse her discretion when she
24	issued a notice of dismissal. 24.9.1714(3), ARM. Accordingly, the notice of dismissal must be
25	affirmed.
26	The parties are advised that the Charging Party has 90 days after receipt of this order to file a
27	civil action in district court to seek appropriate relief. MCA ' 49-2-509(5). If the Charging Party

1	fails to file a civil action in district court within that 90-day period, the Charging Party's claims
2	under the Montana Human Rights Act as stated in the above-captioned complaint will be barred.
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4	IT IS HEREBY ORDERED that the Charging Party's objection is unanimously overruled
5	and the notice of dismissal is affirmed.
6	Dated this day of July, 2002
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8	Gary Hindoien, Chair, Montana Human Rights Commission
9	Montana Haman Rights Commission
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12	CERTIFICATE OF SERVICE
13	The undersigned hereby certifies that a true copy of the foregoing was served to the following persons via US Mail, postage prepaid, on the day of July, 2002.
14	
15	Great Falls, MT 59404
16	
17	H&R Block Katherine Watson
18	908 Central Avenue Great Falls, MT 59401
19	H&R Block
20	Katherine Watson 4400 Main Street
21	Kansas City, MO 64111
22	Lois Gladstone Senior Counsel
23	4400 Main Street Kansas City, MO 64111
24	
25	
26	Human Rights Bureau
27	
28	Order - 2